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9 Attorneys for the City of Santa Cruz and
10 the Santa Cruz Police Department

11 UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF NEVADA

13 KELLY GUERRERO,

14 Plaintiff,

15 vs.

16 VINCENT NEIL WHARTON,

17 Defendant.

18 **Case No. 2:16-cv-01667-GMN-NJK**

19 **STIPULATION; ~~PROPOSED~~ PROTECTIVE**
20 **ORDER**

21 **I. STIPULATION**

22 WHEREAS, Defendant Vincent Neil Wharton, acting by and through his attorney, James Kohl,
23 and the Santa Cruz Police Department or City of Santa Cruz, a municipal corporation (hereinafter
24 "City"), acting by and through its attorneys, agree and stipulate as follows:

25 1. Mr. Kohl, counsel for Defendant, caused a subpoena *duces tecum* to be served on the
26 Santa Cruz Police Department by depositing the subpoena in the mail on or about January 22, 2018
27 ("subpoena"). This subpoena demanded production of SCPD reports pertaining to Plaintiff Kelly
28 Guerrero from July 14, 2011 to the present.

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2. SCPD found that it has reports for the following cases that are responsive to the Subpoena: incident reports for case numbers 18S-00466, 17S-08657, 17S-07041, 17S-04300, 17S-02910, 17S-01255, 16S-10646, 16S-04169, 12S-07905, and 11S-10841, as well as the traffic collision report for case number 16S-02228.

3. Due to the sensitive content of the police report and the confidentiality of the identities of the persons named in these SCPD reports, a court order protecting the contents of these reports is necessary. This order will protect the identity of alleged crime victims and perpetrators, as well as those giving statements about these alleged crimes, who are named in the reports; these people include a number of non-parties to this lawsuit. Further, the order will protect any health and medical treatment information included in these reports.

II. [PROPOSED] PROTECTIVE ORDER

Thus, upon stipulation of the parties, this Court hereby orders disclosure of the SCPD reports responsive to Defendant's subpoena dated January 22 – specifically, incident reports for case numbers 18S-00466, 17S-08657, 17S-07041, 17S-04300, 17S-02910, 17S-01255, 16S-10646, 16S-04169, 12S-07905, and 11S-10841, as well as traffic collision report for case number 16S-02228 (collectively, these reports will be referred to hereafter as “Confidential Material”), subject to the following terms and conditions.

To the Defendant and his counsel, YOU ARE HEREBY ORDERED:

1. Not to convey, transfer, publish, distribute, or authorize another to convey, transfer, publish or distribute the Confidential Material to any party other than those to this action. The Confidential Material shall only be disclosed to, and used by, the attorneys of record in this action and their respective experts and consultants, and it shall only be disclosed after they have agreed to the terms and conditions in this Order.

2. Not to show, disclose, or discuss the contents of the Confidential Material to or with any person or entity who is not a party to this lawsuit or an attorney for a party. Nor shall any of the parties or their counsel divulge any of the contents of the Confidential Material in writing, orally, or electronically to any other persons or entities for any purpose whatsoever.

1 4. Not to use the Confidential Material for any purpose other than the defense and
2 prosecution of the above-entitled civil matter, including, but not limited to production during discovery,
3 use during depositions and motion practice before the Court. The Confidential Material shall not be used
4 in any other criminal or civil proceeding.

5 5. To destroy the Confidential Material upon final adjudication or other disposition of this
6 case.

7 This order does not restrict the conveyance, transfer, publishing or distribution of information
8 solely between the attorneys during the course of these proceedings as required by law.

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10
11 Dated: February 7, 2018

12 By: 

13 AMY KAPP
14 Attorney for CITY OF SANTA CRUZ,
15 SANTA CRUZ POLICE DEPARTMENT

16 By: 

17 JAMES KOHL
18 Attorney for Defendant VINCE NEIL WHARTON

19 Dated: February 8, 2018
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22 NANCY J. KOPPE
23 United States Magistrate Judge
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